Local Mandate Fiscal Impact Estimate Kentucky Legislative Research Commission 2016 Regular Session

Part I: Measure Information

Bill Request #: 1665										
Bill #: HB 417										
Bill Subject/Title: AN ACT relating to emergency protective orders										
Sponsor: Representative Thomas Kerr										
Unit of Government: City X County X Urban-County Unified Local X Charter County X Consolidated Local X Government										
Office(s) Impacted: Jailers, sheriffs										
Requirement: X Mandatory Optional										
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing										

Part II: Purpose and Mechanics

The purpose of HB 417 is to erase any trace of a petition for issuance of a domestic violence emergency protective order when the petition has been dismissed by the court. The bill would create a new section of KRS Chapter 403 that would allow a person against whom an order of protection was sought to file a motion for expungement of the petition with the court after 60 days following the hearing or dismissal of the petition. If there are no charges or proceedings pending that relate to the underlying matter the court may order the expunging of all records in custody of the court and any other agency or official, including law enforcement, relating to the emergency protective order. Every agency or official with relevant records must certify to the court within 60 days of issuance of the expungement order that the records have been expunged, including all records of orders enforcing the expungement procedure. The requirements of the bill would be retroactive.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

HB 417 would have no to minimal fiscal impact on local governments.

Orders to expunge court records fall heaviest on circuit court clerks, who are funded by

the Commonwealth Judicial Branch budget, through the Administrative Office of the Courts. Circuit court clerks' offices do not receive funding from city or county governments. Local jailers would have no records related to domestic violence protective orders unless the subject of the order is incarcerated, which would be a small number. Local sheriffs report that orders to expunge do cost in manpower, but they expect orders to expunge specific records related to dismissed petitions for domestic violence protective orders would be very few in number and would not require additional staff or other resources. Further, they expect that any impact resulting from HB 417 would be insignificant. Therefore, HB 417 would have no to minimal fiscal impact on local governments.

Data Sourc	e(s):	Kentucky Newsconding	Circuit	<u>Court Cle</u>	erks' <i>i</i>	Association;	local ja	<u>ailers; </u>	local	<u>sheriffs</u>	
Preparer:	Mary S	tephens		Review	er:	JWN		D	ate:	2/26/16	5